IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 11105 of 2004

Between:

Velagapudi Baburao S/o. Venkateswararao
Vijayawada, Krishna District.

..... PETITIONER

AND

Commissioner, Muncipal Corporation, of Vijaywada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or direction more in the nature of writ of Mandamus directing the respondent not to interfere with the possession and enjoyment of the petitioner in respect of his site Ac.0-05 cents in R.S.No.210/7 A2 &B2 patamata of Vijayawada by declaring the High Handed action of the respondent in trying to interfere with the possession and enjoyment of the petitioners site is highly arbitrary, violative of principles of natural Justice violative of Art. 14 , 21 and 300-A of the constitution of India and illegal .

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent : MR.T.S.VENKATARAMANA

The Court made the following :

ORDER:

The petitioner seeks a writ of Mandamus directing the respondent-Municipal Corporation of Vijayawada not to interfere with his possession and enjoyment in respect of 0.05 cents of land situated in R.S.No.210/7 A2 & B2 Patamata of Vijayawada.

In the affidavit filed in support of the petition, it is alleged that there is a public road on the Eastern side of the petitioner's site and that the respondent is contemplating to lay a road through the site of the petitioner without initiating any steps under the Land Acquisition Act for acquiring the same.

This Court while directing notice, by order, dated 01.07.2004 directed status quo to be maintained by the parties as on that date.

Now a counter affidavit has been filed by the Commissioner, Municipal Corporation, Vijayawada denying the allegation made by the petitioner that the respondent is trying to take possession of the land of the petitioner. It is also specifically stated that the respondent-Corporation laid a cement concrete to the existing road belonging to the Corporation in front of the site of the petitioner and that no attempt has been made to lay any road through the site of the petitioner.

In view of what has been stated in the counter affidavit filed by the respondent, no adjudication deserves to be made on merits in the writ petition.

Accordingly, recording the statement of the respondent that the Corporation is not interfering with the land of the petitioner, the writ petition is disposed of. No costs.

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G.ROHINI,J

Date: 07-12-2004

klp

To

1. Commissioner, Muncipal Corporation, of Vijaywada, Krishna District.

2. Two C.D. copies